

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Parties Involved:

Plaintiff: Joshua Herron

1515 Maint St, #101 Houston, TX 77002

V

Defendant: ICON SAN ANTONIO LLC DBA ICON

1300 Patricia Dr San Antonio TX 78213

PETITION FOR FRAUDULENT INDUCEMENT:

Under Tex. Civ. Prac. & Rem. Code § 16.005

FACTS OF THE CASE:

- 1. On about 11/29/2023 per the lease contract, Plaintiff signed a lease agreement with Defendant for Apartment 107 at a monthly rent of \$1,150.**
- 2. The lease was based on Defendant's representation that the apartment's market rate was \$1,150.**

HH

3. However, Plaintiff later discovered that the apartment was listed online at \$900 per month.

4. Defendant failed to disclose this discrepancy to Plaintiff.

5. Plaintiff suffered financial harm by paying the higher rent.

6. Location 1300 Patricia Dr San Antonio TX 78213 Apartment #107
Defendant breached the lease agreement by:

1. Misrepresenting the market rate of the apartment.

2. Failing to disclose material

Damages:

Compensatory Damages: \$200,000

Punitive Damages: \$300,000

Total: \$500,000

RELIEF SOUGHT:

1. Declaration that defendant's actions constitute unlawful eviction

2. Grant Compensatory damages ~~\$200,000~~ \$200,000

3. Grant Punitive damages ~~\$300,000~~ \$300,000

4. Injunctive relief to prevent further unlawful eviction

5. Such other relief as the court deems just and proper

RESPECTFULLY Tax and Law abiding Veteran,

Joshua Herron

346-257-7523

Contact: 1515 Main St

#Apt 101

Houston TX 77002

VERIFICATION:

**I, JOSHUA HERRON, hereby verify that the facts set forth in this
Complaint are true and
correct to the best of my knowledge and belief.**

Signed: Joshua Herron 

Service:

**This petition will be served on ICON SAN ANTONIO LLC DBA ICON 1300
Patricia Dr, San Antonio, TX 78213**

**Certificate of Service: ICON SAN ANTONIO LLC DBA ICON:
1300 Patricia Dr, San Antonio, TX 78213**

**I hereby certify that a true and accurate copy of this petition was served
on ICON SAN ANTONIO LLC DBA ICON 1300**

Patricia Dr, San Antonio, TX 78213 

Employer's Address: UnemployedSalary or wages per month: UnemployedType of work: Unemployed

If you are presently unemployed, state:

Date of last employment: UnemployedSalary or wages per month: UnemployedType of work: Unemployed

c.) Please list any other income received within the past twelve months:
(Write the gross amount (before taxes) per month that you received and the months you received this income.)

Business or profession: \$0Other self-employment: \$2,500Interest: \$0Dividends: \$0Pension and annuities: \$0Social security benefits: \$0Support payments: \$0Disability payments: \$0

Unemployment compensation and/or supplemental benefits: _____

\$2,000 (Snap Food only)Workers' Compensation: \$0

Public assistance: \$0Other: \$0

d.) Other contributions to household support:

(Write the gross amount (before taxes) per month that you received and the months you received this income.)

(Wife) (Husband) Name: \$0

If your (wife) (husband) is employed, please state

Employer: \$0Salary or wages per month: \$0Type of work: \$0Contributions from children: \$0Contributions from parents: \$0Other contributions: \$0

e.) Property owned:

Cash: \$0Checking Account: \$0Savings Account: \$0Certificates of deposit: \$0Real estate (including home): \$0Motor Vehicle: Make 2013 Dodge Year KrengerCost: \$1600 Amount Owed: \$800 loanStocks and bonds: \$0

Other: \$0

f.) Debts and obligations:

Mortgage: \$0

Rent: \$825

Loans: \$800

Other: \$8,000

(Write all of your regular monthly bills, phone, utilities, cable, insurance, etc.)

g.) Persons dependent upon you for support:

(Wife/Husband) Name: \$0

Children, if any:

Name: <u>\$0 none</u>	Age: <u>\$0 none</u>
<u>\$0 none</u>	<u>\$0 none</u>
<u>\$0 none</u>	<u>\$0 none</u>

Other persons:

Name: \$0 none

Relationship: \$0 none

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____



06/14/2024



Joshua Heppner ^{2/1}

PETITIONER

Integrity Texas Funding, LP
84 Villa Road
Greenville, SC 29615

Date: 5/16/2024

Receipt# 77446349

Loan Origination Date : 4/20/2024 1:08:30 PM
Loan Number : 397-77565
Borrower's Name : HERRON, JOSHUA DEANGELO

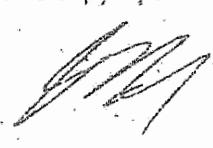
PAYMENT TRANSACTION

Date Payment Recieved : 5/16/2024
Amount of Payment Received : 140.00
Amount Applied to Fees : 0.00
Amount Applied to Interest : 0.00
Amount Applied to Principle : 140.00
Amount Interest Short : 0.00
Amount Fees Short : 0.00
Remaining Principle Balance : 1,390.59

PAYMENT METHOD

Employee's Name : Destiny Initial
Payment Form : Card Payment
How Paid : Walked In

Privacy Notice - Federal law requires us to tell you how we collect, share, and protect your personal information. Our privacy policy has not changed and you may review our policy and practices with respect to your personal information at www.integritytexasannualprivacynotice.com or we will mail you a free copy upon request if you call us at 1-864-214-2515.



I, JOSHUA E HERRON, authorize Select Management Resources, on behalf of

WELLSHIRE FINANCIAL

SERVICES, LLC d/b/a

LoanStar Title Loans, to charge my debit card account in the amount of \$140.

Debit Card Number: XXXXXXXXXXXX4223; Expiration Date: 5/2028

Authorization Code: 060752

 05/16/2024
Cardholder's Signature Date

I also authorize Select Management Resources to charge my debit card for future payments that are verbally approved by me.

Authorization Valid Until: n/a Initial Here: JH



10275 W. Higgins Road
Suite 750
Rosemont, IL 60018

Insured: Josh Herron
Property: 1300 Patricia Drive
San Antonio, TX 78213
Home: 1300 Patricia Drive
San Antonio, TX 78213

Home: (346) 257-7523

Claim Rep.: Anthony Jukes

Estimator: Anthony Jukes

Claim Number: 24C03020

Policy Number: RTH12062579

Type of Loss: Water

Date Contacted: 6/6/2024 11:26 AM

Date of Loss: 2/14/2024 12:00 AM

Date Received: 6/5/2024 9:50 AM

Date Inspected:

Date Entered: 6/5/2024 10:05 AM

Price List: TXSA8X_JUN24

Restoration/Service/Remodel

Estimate: JOSH_HERRON

We have prepared this estimate regarding your loss or damage. A letter that explains your coverage and benefits is being sent to you under separate cover. Because the information in an estimate serves as the basis for a determination of your benefits, you (and if applicable, your contractor) should review this estimate carefully. Let us know immediately (and prior to beginning any work) if you have any questions regarding the estimate.

MARKEL Evanston Insurance Company

10275 W. Higgins Road
Suite 750
Rosemont, IL 60018

JOSH_HERRON
24C03020 - Heron PPIF

Living Room

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	RCV	DEPREC.	ACV
1. N/A N/A, Safari Leather Couch set and rug	2.00 EA	3,300.00	544.50	7,144.50	(3,572.25)	3,572.25
5. PSW S4 S4, PSW living room speakers for production	1.00 EA	550.00	45.38	595.38	(119.08)	476.30
7. Brother IX2517, U63548-H4P181825 Sewing Machine	1.00 EA	500.00	41.25	541.25	(216.50)	324.75
Totals: Living Room			631.13	8,281.13	3,907.83	4,373.30

Bedroom

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	RCV	DEPREC.	ACV
2. Lone Star Mattress & Furniture N/A, Bed and Bed set	1.00 EA	1,875.00	154.69	2,029.69	(405.94)	1,623.75
Totals: Bedroom			154.69	2,029.69	405.94	1,623.75

Bathroom

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	RCV	DEPREC.	ACV
3. Apple C021kLXVOR13, Max Book Retina 13	1.00 EA	1,000.00	0.00	1,000.00	(0.00)	1,000.00
4. JBL TL0284-KG0210736, JBL Charge 4 (not so water proof when plugged in)	1.00 EA	100.00	8.25	108.25	(54.13)	54.12
8. Confidence Fitness N/A, Workout Bike	1.00 EA	160.00	13.20	173.20	(69.28)	103.92
Totals: Bathroom			21.45	1,281.45	123.41	1,158.04

Kitchen

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	RCV	DEPREC.	ACV
6. SunBeam N/A, Toaster	1.00 EA	35.00	2.89	37.89	(0.00)	37.89
Totals: Kitchen			2.89	37.89	0.00	37.89
Total: 24C03020 - Heron PPIF			810.16	11,630.16	4,437.18	7,192.98
Line Item Totals: JOSH_HERRON			810.16	11,630.16	4,437.18	7,192.98

JOSH_HERRON

6/6/2024

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HULL, HOLLIDAY & HOLLIDAY P.L.C.
 ATTORNEYS AT LAW
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 Phoenix, Arizona 85020
 (602) 230-0088 FAX (602) 230-7421
 attorney@h3landlordlaw.com
 ANDREW M. HULL #004153
 DENISE HOLLIDAY #017275
 KEVIN HOLLIDAY #017276
 MATTHEW R. SCHLABACH #034118

DESERT RIDGE JUSTICE COURT
 18380 N. 40TH STREET
 PHOENIX AZ, 85032
 MARICOPA COUNTY, ARIZONA
 602-372-7100

CASE NO. CC 2024 186914
 Case Number on Summons

COMPLAINT - EVICTION ACTION

PLAINTIFF BIGELOW ARIZONA LLC IV DBA BUDGET SUITES OF AMERICA/414 2702 WEST YORKSHIRE DRIVE PHOENIX, AZ 85027	DEFENDANT(S) JOSHUA HERRON JOHN AND JANE DOES I-X 2702 WEST YORKSHIRE DRIVE Unit# 1133 PHOENIX, AZ 85027
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2024 AUG 27 AM 11:51
 DESERT RIDGE
 JUSTICE COURT
 FILED

YOUR LANDLORD IS SUING TO HAVE YOU EVICTED. PLEASE READ CAREFULLY!

1. I am the attorney for the Plaintiff in this action, and this Court has jurisdiction over this action.
2. That Defendant wrongfully withholds possession of the premises from Plaintiff; Plaintiff is entitled to immediate possession of the following described premises: 2702 WEST YORKSHIRE DRIVE #1133, PHOENIX, AZ 85027
3. The premises are located within the judicial precinct of this Court or there is authority for the filing of this action outside the precinct where the premises are located.
4. If applicable, Defendants have been served a proper notice(s) which is/are attached hereto and incorporated herein.
5. On 08/20/2024 defendant was served Hand Delivered notice pursuant to law; Rental per Month is \$1,359.76; Rent is due and unpaid since 08/19/2024. If this Complaint does not contain violations other than the non-payment of rent, then Defendants may contact Plaintiff and reinstate the rental agreement and cause this eviction action to be dismissed if, prior to the entry of the judgment, the Defendants pay all rent due, late fees pursuant to the Lease, court costs and attorney's fees due as of the date of payment. This complaint is in compliance with Supreme Court Administrative Order 2021-129 (see attached attestation of Plaintiff).
6. As of 08/26/2024 the following amounts are due and owing: Rent of \$1,359.76; Court costs of (\$63.00 Filing Fee + \$25.00 Process Server Fee) \$88.00; Attorneys' fees of \$115.00; For a total of \$1,562.76, plus after accruing costs.

Plaintiff asks for Judgment against Defendant for rent due as of the date of Judgment; late fees; attorneys' fees; damages; other charges and concessions, immediate possession of the premises; Plaintiff's costs of this suit; after accruing rent, attorneys' fees; and a Writ of Restitution to be issued in this matter. The undersigned attorney does hereby verify that they believe the assertions in this complaint to be true on the basis of a reasonably diligent inquiry. Plaintiff and Plaintiff's counsel hereby request permission to appear virtually.



376895

XPR

DATED: 08/26/2024

Kevin Holliday
 ATTORNEY FOR PLAINTIFF



Maricopa County Justice Courts, State of Arizona
Desert Ridge Region

Desert Ridge Justice Court

18380 N. 40th Street Suite #130

Phoenix, AZ 85032

(602) 372-7100

<http://justicecourts.maricopa.gov>

BOND RECEIPT

(Reprint)

Transaction #: 10117273
Date: Sep 09, 2024 at 8:49:27 AM
Cashier ID: 75378

BOND POSTER:
Joshua Herron
2702 W Yorkshire Dr #1133
Phoenix, AZ 85027

Type	Case #	Party Name	Payer Name	Amount Paid
Cash	CC2024186914	JOSHUA HERRON	\$0.00 Joshua Herron	142.35
				<u>\$142.35</u>

Amount Tendered: 160.00

Payment: 142.35

Change Due: \$17.65

CASE NUMBER: CG2024-186914-EA

PLAINTIFF: BIGELOW ARIZONA LLC IV

DEFENDANT: JOSHUA HERRON

COST BOND**COST BOND** In all cases

With the filing of the cost bond, Appellant must also file a NOTICE OF FILING COST BOND ON APPEAL form.

\$ 250.00

If appellant is unable to post the cost bond, an AFFIDAVIT OF INABILITY TO POST BOND PENDING APPEAL form must be filed and processed (refer to checklist).

SUPERSEDEAS BONDS

To stay enforcement of the money judgment

CANNOT BE WAIVED

Total amount of judgment, including costs and attorney fees.

Judgment Award (excluding court costs and attorney fees)	\$	1,359.76
Attorney fees, if any	\$	115.00
Court costs	\$	118.00
Bond Fixed At	\$	1,592.76

To stay enforcement of the judgment for possession

CANNOT BE WAIVED

If this bond is posted it will stay enforcement of the Writ thorough the next rental due date (to the 1st, in this example). If rent is not paid to the court on the 1st, the Writ may issue at that time, or at any other subsequent due date that rent is not paid.

BOND CALCULATION

Rent Per Month	\$ 1,359.76
Daily Prorated Rent Amount	\$ 45.33
Next Due Rent Date	9/1/2024
Judgment Entered on	9/3/2024
No. of days to next rental date	(2)
Rent due through next rent date	\$ (90.65)

Pro-rated rent \$ (90.65)

Attorney fees, if any \$ 115.00

Court costs \$ 118.00

Bond Fixed At \$ 142.35

MUST BE
PAID BY
9.9.24

To stay enforcement of both the money judgment and the judgment for possession

CANNOT BE WAIVED

Pro-rated rent	\$	(90.65)
Judgment Award (excluding court costs and attorney fees)	\$	1,359.76
Attorney fees, if any	\$	115.00
Court costs	\$	118.00
Bond Fixed At	\$	1,592.76

APPROVED:

Date: 9/3/2024

Judge:

